

PEARSON, J.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

RICHARD LEE HARTMAN,	)	
	)	CASE NO. 4:20CV2752
Plaintiff,	)	
	)	
v.	)	JUDGE BENITA Y. PEARSON
	)	
DANNY LOWRY, <i>et al.</i> ,	)	
	)	
Defendants.	)	<b><u>ORDER</u></b>

The Complaint ([ECF No. 1](#)) in the above-entitled action was filed on December 11, 2020.

On that same date, the original summons were issued to counsel for Plaintiff for service upon Defendants. Plaintiff has not filed any proof of service as required by [Fed. R. Civ. P 4\(l\)](#). Defendants Danny Lowry and Ricky Sanders have appeared, but Defendant Mike Walker has not.

[Fed. R. Civ. P. 4\(m\)](#) requires the plaintiff to serve the summons and complaint upon the defendant within 90 days after the complaint is filed. If Plaintiff cannot show good cause why service of the summons and complaint was not made within 90 days after the filing of the complaint, pursuant to [Rule 4\(m\)](#), the action will be dismissed without prejudice on March 12, 2021 as to Defendant Walker only. [Moncrief v. Stone, 961 F.2d 595, 596 \(6th Cir. 1992\)](#) (interpreting the predecessor to [Rule 4\(m\)](#)).

Pursuant to the Court's Standing Order, Defendants must "file an answer to the complaint regardless of whether they have filed or plan to file a motion to dismiss. The filing of a motion

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to dismiss shall not delay the time in which the party must answer the complaint.” [Standing Case Management Conference Scheduling Order, at 5.](#)

No later than ten (10) days from the date of this Order, Defendants Lowry and Sanders shall file answers (or a joint answer) to the Complaint.

IT IS SO ORDERED.

February 12, 2021  
Date

/s/ Benita Y. Pearson  
Benita Y. Pearson  
United States District Judge